

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ALAN HAMM,

Plaintiff,

-v-

No. 9:13-CV-1302
(DNH/CFH)

MR. M. FARNEY, ASAT Counselor,
Gouverneur Correctional Facility,

Defendant.

APPEARANCES:

OF COUNSEL:

ALAN HAMM
Plaintiff Pro Se
05-A-0837
Gouverneur Correctional Facility
Scotch Settlement Road
P.O. Box 480
Gouverneur, NY 13642

HON. ERIC T. SCHNEIDERMAN
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RICHARD LOMBARDO, ESQ.
Ass't Attorney General

DAVID N. HURD
United States District Judge

DECISION and ORDER

Pro se plaintiff Alan Hamm brought this action pursuant to 42 U.S.C. § 12131. On July 29, 2014, the Honorable Christian F. Hummel, United States Magistrate Judge, advised by Report-Recommendation that defendant's motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) be denied. No objections to the Report-Recommendation were filed.

Based upon a careful review of the entire file and the recommendations of the Magistrate Judge, the Report-Recommendation is accepted in whole. See 28 U.S.C. § 636(b)(1).

Therefore, it is

ORDERED that

1. Defendant's motion to dismiss is DENIED;
2. Defendant is directed to file an answer to the complaint on or before September 11, 2014; and
3. The Clerk is directed to serve a copy of this Decision and Order upon plaintiff in accordance with the Local Rules.



United States District Judge

Dated: August 28, 2014
Utica, New York.